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9 Attorneys for the United States

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

FILED

NOV 14 2007

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

BZ

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 ANNA BANKOWSKA,)
17 Defendant.)
18 _____)

CRIMINAL NO.

3 07 70682

NOTICE OF PROCEEDINGS ON
OUT-OF-DISTRICT CRIMINAL
CHARGES PURSUANT TO RULES
5(c)(2) AND (3) OF THE FEDERAL RULES
OF CRIMINAL PROCEDURE

19 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal
20 Procedure that on November 14, 2007, the above-named defendant was arrested based upon an
21 arrest warrant (copy attached) issued upon an

22 ☐ Indictment

23 ☐ Information

24 ☒ Criminal Complaint

25 ☐ Other (describe) _____

26 pending in the _____ District of Oregon, Case Number 07-MJ-485.

1 In that case, the defendant is charged with a violation(s) of Title(s) 18 United States
2 Code, Section(s) 1344 and 1028A .

3 Description of Charges: Bank Fraud and Aggravated Identity Theft .
4

5 Respectfully Submitted,

6 SCOTT N. SCHOOLS
7 UNITED STATES ATTORNEY

8 Date: ¹⁴November 8, 2007
9

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11 JEFFREY R. FINIGAN
12 Assistant U.S. Attorney
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AO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

District of _____

UNITED STATES OF AMERICA
V.
ANNA BANKOWSKA

WARRANT FOR ARREST

Case Number: 07-mj-485

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

Anna Bankowska

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice

charging him or her with (brief description of offense)

BANK FRAUD AND AGGRAVATED IDENTITY THEFT

Certified to be a true and correct copy of original

Dated 11/7/07

By Sheryl S. McCord, Clerk
Deputy



in violation of Title 18

United States Code, Section(s) 1344, 1028a

Name of Issuing Officer

JANICE M. STEWART
US MAGISTRATE JUDGE

Title of Issuing Officer



Signature of Issuing Officer

November 7, 2007 at Portland, Oregon

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

AO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

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BANK FRAUD AND AGGRAVATED IDENTITY THEFT

Certified to be a true and correct copy of original

Dated 11/7/07

By Sheryl S. McConnell, Clerk of Court



in violation of Title 18

United States Code, Section(s) 1344, 1028a

Name of Issuing Officer

JANICE M. STEWART
US MAGISTRATE JUDGE

Signature of Issuing Officer

November 7, 2007 at Portland, Oregon

Title of Issuing Officer

Date and Location



RETURN

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DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

AO 442 (Rev. 10/03) Warrant for Arrest

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME: Anna BankowskaALIAS: JANELE MERRIAMLAST KNOWN RESIDENCE: 1040 CORAL RIDGE CIRCLE, RODEO, CA / 108 ESPLANDE, APT # 179
PACIFIC, CALAST KNOWN EMPLOYMENT: SKY'S THE LIMIT ENTERTAINMENTPLACE OF BIRTH: LODZ, POLANDDATE OF BIRTH: 12/09/1983SOCIAL SECURITY NUMBER: 341-76-4227HEIGHT: 5' 07"WEIGHT: 150 lbs.SEX: FemaleRACE: WHITEHAIR: BROWNEYES: HAZELSCARS, TATTOOS, OTHER DISTINGUISHING MARKS: UPPER BACK → CROSSLOWER BACK → "3" AND A TIGER w/ TRIBAL BANDFBI NUMBER: 601390HC3COMPLETE DESCRIPTION OF AUTO: 2004 BMW 745i BLACK 4-DOOR
NO PLATE INFO. / VIN # WBAGL63594DP73934INVESTIGATIVE AGENCY AND ADDRESS: U.S. POSTAL INSPECTION SERVICE
390 MAIN STREET, 3RD FLOOR
SAN FRANCISCO, CA 94105

DAO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON FILED 07 NOV 7 1431USDC-ORP

UNITED STATES OF AMERICA

V.

ANN BANKOWSKA
1040 Coral ridge circle
Rodeo, California

CRIMINAL COMPLAINT

Case Number: 07-mj-485

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about March 5, 2007 in Multnomah County, in the (Date) District of Oregon defendant(s) did,

(Track Statutory Language of Offense)

Knowingly execute a scheme or artifice to defraud a financial institution or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations or promises.

Knowingly possess or use without lawful authority a means of identification during and in relation to any felony violation.

in violation of Title 18 United States Code, Section(s) 1344, 1028A

I further state that I am a(n) United States Postal Inspector and that this complaint is based on the following facts:

See attached affidavit.

Certified to be a true and correct copy of the original filed in my office.

Dated 11/14/07

By Sheryl E. McCarty



Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Camille Hammonds
Signature of Complainant

Camille Hammonds
Printed Name of Complainant

Sworn to before me and signed in my presence,

November 7, 2007
Date

at

Portland
City

Oregon

State

JANICE M. STEWART
Name of Judge

U.S. MAGISTRATE
Title of Judge

Jan M. Stewart
Signature of Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, CAMILLE A. HAMMONDS, being duly sworn, do hereby state the following:

I. INTRODUCTION AND EXPERIENCE OF AGENT

1. I have been employed as a Postal Inspector for the U.S. Postal Inspection Service since 1994. In connection with my official duties, I am responsible for the investigation of criminal violations of federal law involving the U.S. mail system and related statutes. For the last 12 years, I have been a member of mail fraud teams in both the Seattle Division and the Los Angeles Division of the Postal Inspection Service. In my capacity as a Postal Inspector, I have received specialized training in the enforcement of laws concerning violations found in Title 18 of the United States Code. I also received training in the investigation of mail fraud during my initial training to become a Postal Inspector.
2. As a part of my official duties, it is my responsibility to investigate mail fraud, bank fraud, identity theft, counterfeit Postal Money Orders, counterfeit checks, and counterfeit identification documents.
3. As an Inspector with the USPIS I have participated in numerous criminal investigations relating to mail fraud, counterfeit corporate checks, counterfeit checks, counterfeit Postal Money Orders, identity theft and counterfeit identification documents.
4. The facts and conclusions in this affidavit are based on my personal knowledge gained from my review of documents and evidence gathered to date in this investigation and information gained from discussion with Inspector Timothy Kixmiller.
5. Because this affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant, I have set forth only the facts that I believe are necessary to establish that there is probable cause to believe that ANNA AGNIESZKA BANKOWSKA violated Title 18, United States Code, Sections 1344 [Bank Fraud] and 1028A [Aggravated Identity Theft].

II. STATUTES AND DEFINITIONS

6. Section 1344 of Title 18 of the United States Code makes it a Federal offense to knowingly execute a scheme or artifice to defraud a financial institution or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

7. Section 1028A of Title 18 of the United States Code makes it a Federal offense to knowingly possess, or use, without lawful authority, a means of identification of another person during and in relation to any felony violation enumerated in subsection (c).
8. Subsection C of Section 1028A of Title 18 of the United States Code defines the term "felony violation enumerated in subsection (c)" as any offense that is a felony violation of any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028 (a)(7) and any provision contained in chapter 63 (relating to mail, bank, and wire fraud).
9. Means of identification is defined in Subsection (d)(7) of Section 1028 of Title 18 of the United States Code as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any (A) name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number"

III. THE INVESTIGATION

10. On or about September 14, 2006, Special Agent Timothy Kixmiller, then with the United States Secret Service (USSS), San Francisco Field Office received a telephone call from Bank of America Investigator Barreiro regarding his investigation of a Customer Service Representative that was responsible for accessing and compromising of numerous Bank of America ("B of A") customer accounts. Bank of America is a federally insured financial institution. Essentially, customer information was being provided to individuals and those individuals were using the information to obtain fictitious drivers licenses and other means of identification containing the customer information but a picture of a different individual. Using the fictitious identifying documents, individuals would enter into Bank of America branches across the country to access the customer accounts by, *inter alia*, depositing fraudulent checks into those accounts and withdrawing money from the customer accounts. Bank Investigator Barreiro requested assistance with the investigation.
11. A joint investigation was opened with the United States Postal Inspection Service (USPIS) and the USSS due to the theft and use of the US Mail (to mail identification documents to participants in the scheme), the numerous fraudulent financial transactions and the number of B of A customer impersonations throughout the United States.
12. Several B of A employees have been linked to the compromising of B of A customer accounts. Once information regarding these accounts was disseminated, these B of A accounts were compromised by people

impersonating true B of A customers. These impersonators entered B of A banking centers throughout the United States and conducted fraudulent transactions. Several of these B of A customer impersonators have been identified through suspect interviews, review of bank surveillance video, review of banking documents and the use of the California Department of Justice CAL-Photo Image Network (CAL-PHOTO).

13. ANNA BANKOWSKA was identified in this investigation by reviewing the B of A account of a known co-conspirator which revealed the deposit of an Employment Development Department (EDD) check made payable to BANKOWSKA and signed over to her co-conspirator. A check of the B of A Customer Online Information Network (COIN) revealed a B of A account in BANKOWSKA's name. A review of BANKOWSKA's B of A account profile contained a photo of BANKOWSKA. This photograph matched bank surveillance video of a previously unidentified individual conducting financial transactions. A check of CAL-PHOTO confirmed BANKOWSKA's true identity and revealed her California driver's license (CADL) as D1299412.
14. Once BANKOWSKA was identified she was linked to transactions involving her B of A account and the co-conspirator's B of A account. Surveillance video also showed her being involved in transactions involving compromised B of A customer accounts.
15. Investigator Tim Whitesitt, Vice President of Corporate Security for Bank of America, has been able to directly link BANKOWSKA to the compromising of approximately twenty-five (25) different B of A customer accounts using surveillance photographs taken when customer accounts were compromised and to approximately one hundred ninety-four thousand dollars (\$194,000.00) in losses. In other words, B of A was able to show losses related to fraudulent activity by BANKOWSKA on these twenty five customer accounts.
16. Specifically, one of the accounts, B of A account #2161XXXXXX, belonging to victim "M.S.", was compromised by BANKOWSKA on or about March 5, 2007 and March 6, 2007, and B of A's investigation revealed the following fraudulent transactions related to that account:
 - a. On March 5, 2007, BANKOWSKA assumed the identity of victim M.S., the B of A customer, and entered the Stark Street Banking Center, located at 517 SW Stark Street, Portland, OR. BANKOWSKA deposited a fraudulent check made payable to the victim, check number 1078, drawn on the Wells Fargo account #5839XXXXXX, in the amount of four thousand dollars into B of A account #2161XXXXXX, and received two thousand dollars cash back. After completing the above transaction, BANKOWSKA cashed a second fraudulent check, again made payable to the victim, check number 1122, drawn on the Washington Mutual (WAMU) account #1853XXXXXX, in the amount of one thousand five hundred dollars, the check was held against B of A account

#2161XXXXXX. In order to complete these transactions, BANKOWSKA needed to present identification to the bank in the victim's name.

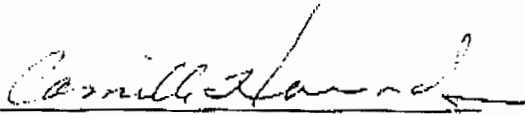
- b. On or about March 6, 2007, BANKOWSKA entered the Martin Luther King, Jr. Banking Center, located at 5775 NE Martin Luther King, Jr. Boulevard, Portland, OR and attempted to deposit a fraudulent check, again made payable to the victim, check number 228, drawn on the Union Bank of California account #1631XXXXXX, in the amount of five thousand dollars into B of A account #2161XXXXXX. During this transaction, BANKOWSKA requested three thousand dollars cash back and attempted to cash a second fraudulent check, made payable to the victim, check number 1037, drawn on the WAMU account #1853XXXXXX, in the amount of one thousand five hundred dollars and held against B of A account, account #2161XXXXXX.
 - c. During the transaction approval process, BANKOWSKA became nervous and ran out of the Martin Luther King, Jr. Banking Center leaving behind the two fraudulent checks, the original B of A Out of State Counter Deposit Slip, the counterfeit California driver license (CADL) she had used to identify herself, number D2388XXX, depicting BANKOWSKA's picture and containing the victim's name (M.S.), and a Bank One Master Card in the name of the victim (M.S.), account #5115 XXXX XXXX XXXX.
17. B of A has taken the financial loss associated with the above listed fraudulent transactions. B of A's deposits related to the account referred to in the above paragraph were FDIC insured at all times.
 18. A computer check revealed the counterfeit CADL, #D2388XXX, depicting BANKOWSKA's picture belongs to a white male from Montclair, California.

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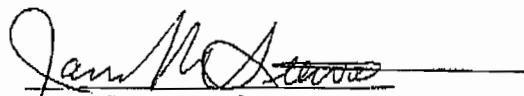
IV. STATEMENT OF PROBABLE CAUSE

19. Based on the above information, there is probable cause to believe that between March 5, 2007 and March 6, 2007, ANNA AGNIESZKA BANKOWSKA committed Bank Fraud in violation of 18 USC 1344 and Aggravated Identity Theft in violation of 18 USC 1028A.

I swear under penalty of perjury that the above facts are true and correct to the best of my knowledge.


CAMILLE HAMMONDS
Postal Inspector
United States Postal Inspection Service

Subscribed & sworn to before this 7th day of November, 2007 at Portland, OR.


Judge Janice M. Stewart
United States Magistrate Judge
District of Oregon